

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

RECEIVED

AUG 15 2003

Federal Communications Commission  
Office of Secretary

In the Matter of

Commnet Wireless, Inc./Commnet of Arizona, LLC )  
Commnet of Delaware, LLC )  
Elbert County Wireless, LLC )  
Chama Wireless, LLC )  
Excomm, LLC )  
Commnet PCS, Inc. )  
MoCelCo, LLC )  
Tennessee Cellular Telephone Company )  
Commnet Capital, LLC )  
Commnet of Florida, LLC )  
Prairie Wireless, LLC )  
 )  
For Waiver of Deadlines for )  
Implementation of Phase II E911 )  
 )  
And for Partial Waiver of Section 20.18(d) to )  
Demarcate Cost Allocation at the )  
Wireless Carrier Mobile Switching Center )

CC Docket No. 94-102

To: The Commission

**AMENDMENT AND SUPPLEMENT TO  
PETITION FOR WAIVER OF DEADLINES FOR IMPLEMENTATION  
OF PHASE II E911 AND FOR WAIVER OF *KING COUNTY*  
DEMARCATION POINT RULING**

**COMMNET WIRELESS, INC., COMMNET OF ARIZONA, LLC,  
COMMNET OF DELAWARE, LLC, ELBERT COUNTY WIRELESS,  
LLC, CHAMA WIRELESS LLC, EXCOMM, LLC, COMMNET PCS, INC.,  
MOCELCO, LLC, TENNESSEE CELLULAR TELEPHONE COMPANY,  
COMMNET CAPITAL, LLC, COMMNET OF FLORIDA, LLC and  
PRAIRIE WIRELESS, LLC**

August 15, 2003

David J. Kaufman, Their Attorney

Brown Nietert & Kaufman, Chartered  
2000 L Street NW, Suite 817  
Washington, DC 20036  
(202)-887-0600

0+4

## EXECUTIVE SUMMARY

This "Amendment and Supplement to Petition for Waiver of Deadlines for Implementation of Phase II E911 and for Waiver of *King County* Demarcation Point Ruling" ("Amended Petition") amends and supplements a petition for waiver originally filed in this docket on September 9, 2002 and which remains pending. The Amended Petition reports updates to the identity of the petitioners, to reflect transfers and assignments of the involved stations, new stations acquired, and new stations constructed. It also changes the nature of the relief sought, in light of new information received from equipment vendors and certain regulatory developments.

Each of the petitioners is a small, rural carrier that operates under a "carriers' carrier" business model, serving incoming roamers exclusively, and having no subscribers of its own. Each originally elected a handset-based solution. They now find that there will not be any handset-based Phase II E911 solution developed by the manufacturing community any time in the foreseeable future.

This is a new development, as previously various manufacturers were claiming that they would be marketing a handset-based solution. Because a network-based Phase II E911 solution is impossible without triangulation, and because triangulation is and will remain impossible over most if not all of the coverage areas of the various petitioners, deployment of Phase II E911 in the service areas of any of the petitioners is a physical impossibility and will remain so for the foreseeable future.

Accordingly, petitioners seek a permanent waiver of the obligation to implement Phase II E911. Alternatively, they seek a five-year waiver, through September 30, 2008, with an understanding that such waiver would then be extended if technology has not sufficiently advanced to make Phase II accuracy feasible.

Separately, petitioners seek a waiver of Section 20.18 of the Commission's Rules, such that they be deemed in compliance with that section's requirement to deliver E911 information to the PSAP, treating the cost-allocation demarcation point between the PSAP and the carrier as being the carrier's switching facility. In essence, petitioners seek relief from the Commission's decision in *King County*

Alternatively, as they are all utilizing the carriers' carrier business model, petitioners ask that they be deemed in compliance with all E911 requirements, as they have no subscribers and as the E911 rules were crafted in the context of a carrier serving its own, local subscribers

The requested waiver of implementation of Phase II is justified because, although the petitioners could not have known it when the Commission first adopted the Phase II standard, there is no technology yet developed that would achieve Phase II accuracy in the rural areas served by petitioners, *i e* , compliance is physically impossible.

The requested change in the demarcation point for delivery of E911 information is justified because the areas served by petitioners are so lightly traveled that they cannot cost justify their own switching facility. Wireless service is possible only due to the cost savings achieved by switch-sharing across markets, meaning that the licensee's switching facility is located outside the market being served, and running dedicated T-1 lines over hundreds or thousands of miles from a remote switch to a PSAP is prohibitively expensive. Absent relief from the decision in *King County*, the cost of such T-1 lines would become the largest cost item in the entire system.

# TABLE OF CONTENTS

## TABLE OF CONTENTS

<u>Item</u>	<u>Page</u>
Summary	i
CHANGES IN IDENTITY OF PETITIONER-SMALL CARRIERS	2
RECAP OF PETITIONER-SMALL CARRIERS' UNIQUE SITUATION	3
CHANGES IN CIRCUMSTANCES	3
RELIEF NOW BEING REQUESTED	6
JUSTIFICATION FOR RELIEF SOUGHT	7
I. Waiver Is Appropriate in Rural Areas Where Only Roamers Are Served	7
II. Waiver Is Also Justified with Respect to the Cost Allocation Demarcation	8
CONCLUSION	11

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Commnet Wireless, Inc /Commnet of Arizona, LLC )	
Commnet of Delaware, LLC )	
Elbert County Wireless, LLC )	
Chama Wireless, LLC )	
Excomm, LLC )	CC Docket No. 94-102
Commnet PCS, Inc. )	
MoCelCo, LLC )	
Tennessee Cellular Telephone Company )	
Commnet Capital, LLC )	
Commnet of Florida, LLC )	
Prairie Wireless, LLC )	
)	
For Waiver of Deadlines for )	
Implementation of Phase II E911 )	
)	
And for Partial Waiver of Section 20 18(d) to )	
Demarcate Cost Allocation at the )	
Wireless Carrier Mobile Switching Center )	

To: The Commission

**AMENDMENT AND SUPPLEMENT TO  
PETITION FOR WAIVER OF DEADLINES FOR IMPLEMENTATION  
OF PHASE II E911 AND FOR WAIVER OF *KING COUNTY*  
DEMARCATIION POINT RULING**

Commnet Wireless, Inc (“CWI”), Commnet of Arizona, LLC (“CAZ”), Commnet of Delaware, LLC (“CDL”), Elbert County Wireless, LLC (“Elbert”), Chama Wireless, LLC (“Chama”), Excomm, LLC (“Excomm”), Commnet PCS, Inc. (“CPI”), MoCelCo, LLC (“MCC”), Tennessee Cellular Telephone Company (“TCTC”), Commnet Capital, LLC (“Capital”), Prairie Wireless, LLC (“Prairie”) and Commnet of Florida, LLC (“Florida”) (collectively, the “Petitioner-Small-Carriers”), by their attorneys and pursuant to Section 1.3 of the Commission’s Rules, hereby amend and supplement the Petition they filed in this proceeding

on September 9, 2002, and which remains pending at this time. In the Petition, the Petitioner-Small Carriers asked this Commission for a waiver of the deadlines for implementation of Phase II E911 requirements set forth in Section 20.18 of the Commission's Rules.<sup>1</sup> In this Amendment, they make minor changes in the make-up of the Petitioner-Small Carriers to reflect certain assignments of licenses and corporate reorganizations, and also amend the nature of the relief requested in light of new developments since the original filing of the Petition last September

Each of the Petitioner-Small-Carriers is a "Tier III" wireless carrier, as defined in the Commission's decision in *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, 17 FCC Rcd 14841 (2002) ("*Small Carrier E911 Extension*"). Each serves only rural areas – to the limited extent that any areas within MSAs are served, it is as an "unserved area" licensee. Thus, even these are rural in nature.<sup>2</sup>

#### **CHANGES IN IDENTITY OF PETITIONER-SMALL CARRIERS**

The following changes are being made to the identity of the Petitioner-Small Carriers: a) because the cellular systems formerly licensed to Chama Communications Corp , Grizzly Bear Wireless Corp and Indian Hills Wireless, Inc were combined, in a *pro forma* transaction, into a single new entity, Chama Wireless, LLC ("Chama"), the new Chama replaces those three former Petitioner-Small Carriers; b) Capital and an unaffiliated party, Monet Mobile Networks, each contributed licenses into a new limited liability company owned by them jointly, named Prairie Wireless, LLC ("Prairie"), which is therefore being added as a petitioner, and c) CWI has a pending application, FCC File No. 0001380870, to assign its cellular system to CAZ, so that

---

<sup>1</sup> For convenience, a copy of the Petition is attached hereto as Exhibit A.

<sup>2</sup> All facts set forth herein are supported by the Declaration of David Walker, who is E911 Liaison Officer for each of the Petitioner-Small-Carriers, attached hereto as Exhibit B.

CAZ is being added as a petitioner party. Both before and after these changes, all Petitioner-Small Carriers have been and will be employing the same E911 Liaison Officer, Mr. David Walker.

### **RECAP OF PETITIONER-SMALL CARRIERS' UNIQUE SITUATION**

Each of the Petitioner-Small-Carriers is a very small carrier operating in either rural service areas or so-called "unserved" areas that went unconstructed by the initial licensee of the area during the original five-year build-out period due to lack of perceived demand.

Each of the Petitioner-Small-Carriers utilizes a switching facility ("MSC") located outside its market. Specifically, each of CWI, CDL, Elbert, Chama, Excomm, MCC and TCTC shares a single MSC located in Yuma, Arizona.<sup>3</sup> CPI and Prairie share one MSC located in Sioux Falls, South Dakota.<sup>4</sup> Florida has its own exclusive MSC, but it is located in the Miami, Florida MSA, as there are more calls terminated there than within the RSA served by Florida.<sup>5</sup>

### **CHANGES IN CIRCUMSTANCES**

Since the original filing of the Petition, there have been material changes in the factual situation underlying the Petitioner-Small Carriers' respective efforts to implement E911, which materially affect their needs, abilities and requested relief.

---

<sup>3</sup> That MSC processes an average of 486 emergency 911 calls each month. This is not the number of calls per carrier; it is the total cumulative number of calls per month, from all of the licensees using the MSC put together.

<sup>4</sup> Presently, this MSC is being used only for PMRS services, not for CMRS services. (PMRS refers to "Private Mobile Radio Service" and CMRS refers to "Commercial Mobile Radio Service" as those terms are defined in Section 20.3 of the Commission's Rules.) Thus, this MSC has never processed a 911 call.

<sup>5</sup> A complete list of the call signs associated with each of the Petitioner-Small Carriers (and the number of cells operating under each call sign) is attached hereto as Exhibit C.



First, at the time of the filing of the original Petition, each of the Petitioner-Small Carriers served both local subscribers and incoming roamer traffic; now, with the recent change in FCC rules that allows a licensee to adopt the business model of being a “carriers’ carrier,” each of the Petitioner-Small Carriers has elected to adopt that business model.<sup>6</sup> None of the Petitioner-Small Carriers today has any subscribers of its own, and none will have any in the future. Thus, there is no longer any need for relief respecting the deadlines regarding the percentages of new handsets activated that are location-capable; no handsets are or will be activated.

Second, at the time of the filing of the original Petition, Petitioner-Small Carriers were under the belief that the Airbiquity handset equipment would meet the requirements of Phase II E911 for TDMA and GSM technology systems, constituting a handset-based solution for TDMA and GSM— such was the Airbiquity marketing claim. However, Petitioner-Small Carriers now understand that the Commission is deeming Airbiquity handsets not Phase II compliant, so that Airbiquity is no longer supporting this product. As such, there is no TDMA or GSM handset-based solution available, and based upon the statements of equipment manufacturers, there will not be in the foreseeable future.<sup>7</sup>

Third, even with respect to potential network-based solutions, the only equipment developed for Phase II is based upon triangulation techniques. By definition, triangulation can work only when the network is receiving location information on the involved mobile unit from three different cell sites. With the exception of Commnet of Florida and Elbert County, none of the Petitioner-Small Carriers has any portion whatsoever of its service area that is covered by

---

<sup>6</sup> As noted, CPI and Prairie are currently offering PMRS only. However, CPI and Prairie intend to offer CMRS using the same “carriers’ carrier” business model, particularly if this Petition is granted. Thus, in ruling upon this Petition, the Commission should treat CPI and Prairie the same as the other Petitioner-Small Carriers.

<sup>7</sup> For example, Nokia now advises that neither it, nor, to the best of its knowledge, any other handset manufacturer, is planning to develop a GSM handset-based solution.

three cells; most have no coverage area with even two cells overlapping. Even as to Commnet of Florida and Elbert County, only a small portion of the carrier's service area is potentially susceptible to triangulation techniques; the bulk of the service area is not susceptible to triangulation and neither carrier could ever meet the accuracy levels set forth in Section 20.18 95% of the time on a system-wide basis.<sup>8</sup> Thus, there is not and will not be any network equipment developed that would provide Phase II E911 in the remote, rural areas served by Petitioner-Small Carriers.

At this time, only MCC has received a Phase II E911 request from a PSAP, dated April 1, 2003 (This particular PSAP request was for both Phase I and Phase II simultaneously, from a rural PSAP which previously had not exhibited any ability whatever to process E911 information. It remains to be seen whether this PSAP will actually have any Phase II capability in place within six months of its request.) However, it is conceivable that additional Phase II requests could be received; moreover, as discussed, what Petitioner-Small Carriers need is a long-term waiver, because there is not going to be any feasible way for any of them to meet Phase II E911 for incoming roamer traffic, either now or in the foreseeable future. Therefore, the Petitioner-Small Carriers believe it is appropriate to amend the pending waiver request to seek a permanent waiver at this time.<sup>9</sup>

---

<sup>8</sup> It is not that the Petitioner-Small Carriers are less able to provide Phase II E911 accuracy in rural areas than are larger carriers. Even the larger carriers are unable to do so in these rural areas. The difference is that a larger carrier can average its compliance across urban and rural areas, and thereby meet the Commission's requirement of 95% accuracy, because more than 95% of its 911 calls will occur in urban areas.

<sup>9</sup> If the Commission were disinclined to grant a permanent waiver, the Petitioner-Small Carriers would request at least a five-year waiver, with the notion that the matter could be revisited at that time if there were still no viable technical solution for these remote, rural areas.

## RELIEF NOW BEING REQUESTED

Specifically, the Petitioner-Small-Carriers request that they be deemed in compliance with all E911 obligations so long as they, within six months of receipt of a valid request from a PSAP.

(1) Install any hardware and/or software in the CMRS network and/or other fixed infrastructure, as needed, (except T-1 connection between the carrier switch and the PSAP, which is addressed below) to enable the provision of Phase I enhanced 911 service;

(2) Be relieved of the obligation to provide Phase II level location accuracy to any PSAP either permanently, or alternatively, for an initial period of five years, with an understanding that such waiver would then be extended if technology has not advanced sufficiently to make Phase II accuracy feasible; and

(3) Be deemed to have delivered enhanced 911 service to a PSAP whenever all other hardware and/or software has been installed, treating the cost-allocation demarcation point between PSAP and carrier as being the carrier's switching facility ("MSC")<sup>10</sup>.

Alternatively, Petitioner-Small Carriers request that, as they do and will not have any subscribers, they be declared in compliance with all E911 obligations, which are drafted to apply to a carrier's local subscribers and often do not apply in the context of "carriers' carrier" systems

---

<sup>10</sup>This item is a request for a partial waiver of the decision in *King County, Washington*, 17 FCC Rcd. 14789 (2002). It asks that the Petitioner-Small-Carriers be deemed compliant with E911, assuming a cost allocation demarcation point at the carrier MSC switching facility, not at the 911 Selective Router (as those terms are defined in *King County*). Alternatively, if the Commission deems it more appropriate for the parties to share the cost of the connection between the MSC and the 911 Selective Router, then PSAPs demanding separate, dedicated T-1 connections for 911 traffic at least should be obligated to pay one-half the cost of such T-1 connections.

## JUSTIFICATION FOR RELIEF SOUGHT

### I. Waiver Is Appropriate in Rural Areas Where Only Roamers Are Served

The Commission's E911 rules, as found in Part 20, set forth the services that a CMRS licensee must offer its own subscribers with respect to 911 emergency calls, and were never drafted with a view to the service of incoming roamer traffic. This is largely because there are various digital cellular/PCS technologies (*e.g.*, TDMA, CDMA, and GSM) and various approaches to automatic location (*e.g.*, network-based vs. handset-based), and it would be impossible to provide Phase II enhanced 911 service to all incoming roamers no matter what the technology of the incoming roamer's unit

In rural areas, it is often not as critical to have exact location information, because there is not the same density of either roads or people that exists in urban areas.<sup>11</sup> Moreover, if the choice is between Phase I E911 service or no wireless service at all (*i.e.*, a big dead spot), clearly the public interest is best served by eliminating the dead spot and having some kind of emergency 911 service available.

In addition, it is unreasonable and arbitrary to expect small, rural carriers to put in triple or quadruple the number of cell sites needed to provide reliable telephone service, just for the occasional 911 call where automatic caller location is needed. Rural cell sites do not handle anywhere near the volume of calls that are handled by urban cell sites as it is – additional, overlapping cells built just to accommodate triangulation needs would sit empty of traffic 99% of the time! In short, to require such unnecessary construction in rural areas is to bankrupt all rural carriers and eliminate current wireless service in rural areas. (To emphasize, we are not talking

---

<sup>11</sup> See, *e.g.*, the November 20, 2002 forbearance petition by the Tier III Coalition in WT Docket No. 02-377, and reported in Public Notice, *Wireless Telecommunications Bureau Seeks Public Comment on Petition for Forbearance from E911 Accuracy Standards Imposed on Tier III Carriers*, DA 02-3470, released December 17, 2002.

about elimination of wireless 911 service, we are talking about elimination of wireless telephone service in total.)

Moreover, it is necessary for the Petitioner-Small-Carriers to obtain their earlier-requested waiver of the decision in *King County, supra*, as the cost of bringing E911 data from the MSC to a PSAP 911 Selective Router would be prohibitive for any of the Petitioner-Small-Carriers. Those costs would amount to in excess of ten thousand dollars per month per licensee. Not only does each of the Petitioner-Small-Carriers qualify as a “Tier III” carrier as defined in ¶¶22-23 of *Small Carrier E911 Extension, supra*, but even if deemed to be a single entity, they collectively had far less than the 500,000 subscriber threshold separating Tier II from Tier III, even before they shed their respective subscribers and went to the “carriers’ carrier” business model.<sup>12</sup>

## **II. Waiver Is Also Justified with Respect to the Cost Allocation Demarcation**

In *King County, supra*, the Commission put its imprimatur on an interpretation of Section 20.18(d) of the Rules pursuant to which the demarcation point for allocating costs between wireless carrier and PSAP provider was stated to be the 911 Selective Router, in the absence of any different demarcation point negotiated by the parties. However, in light of that decision, PSAP providers have no incentive to negotiate any different arrangement with a wireless carrier. This is especially so because the Commission had previously eliminated any mandatory cost-recovery mechanism for carrier expenditures implementing 911 services.

The Commission made its policy decisions setting the demarcation point and eliminating the cost recovery mechanism in the context of nationwide-footprint carriers serving millions of

---

<sup>12</sup> Even prior to moving to the carriers’ carrier business model, the Petitioner-small Carriers collectively served less than one hundred subscribers; the great bulk of their business has always been incoming roamers.

subscribers in large metropolitan areas. It may have been appropriate for the Commission to do so, because this is where the subscribers and the traffic volume are, as well as the vast majority of the 911 calls.<sup>13</sup> However, the circumstances which led the Commission to make those policy decisions simply do not exist in remote, rural areas.

For example, because the majority of wireless calls continue to be calls originating on the wireless network and terminating on the landline network, the major wireless carriers have an incentive to locate the MSC in the center of the wireless market being served, *i.e.*, in reasonably close physical proximity to the 911 Selective Router. Similarly, because the vast bulk of the people physically located in a major urban area are local residents, the vast bulk of the wireless call volume is from local subscribers, and there is accordingly a huge base of subscribers across which to spread the (largely fixed) cost of paying for E911 – thus, the impact upon subscriber rate-payers is minimal.

In sharp contrast, in remote, rural areas, the vast majority of calls are interstate interexchange calls, the majority of the people physically located in the market area are not local residents, but roamers passing through on the highways, the overall volume of calls is insufficient to cover the cost of a dedicated MSC, and the (still largely fixed) cost of implementing E911 would have to be spread across a tiny base of local subscribers (or, in the case of Petitioner-Small Carriers, just absorbed *in toto*) if there were no cost-recovery mechanism.

For most of the Petitioner-Small-Carriers, if they are required to pay for dedicated T-1 lines to each separate PSAP provider in the market, such dedicated T-1 lines would immediately

---

<sup>13</sup> See generally *Small Carrier E911 Extension*, *supra*, at ¶7 & n 16, which states that the nationwide-footprint carriers serve 100 million subscribers as of the end of 2001.

become the largest cost item in the entire system, exceeding site lease payments, switch-sharing costs, office expenses, and any other expense item! Most such T-1 lines would cost in excess of ten thousand dollars per month, and a separate line would be required for each and every separate PSAP provider, even if there were multiple separate PSAP providers within the same county<sup>14</sup> For many of the Petitioner-Small-Carriers, the entire economic viability of the wireless system would be jeopardized, and the only reasonable alternative might be to shut down entirely and leave the area a dead spot for wireless phones.

Stated otherwise, to require the Petitioner-Small-Carriers to bring, at their own expense, the E911 information all the way to the 911 Selective Router, would harm public safety by eliminating all wireless service in the area, guarantying that no wireless 911 calls could go through. Some availability of wireless 911 is better than no such availability. Thus, the purposes underlying the general interpretation of Section 20.18(d) would be undermined by the strict application of that rule interpretation in the case of the Petitioner-Small-Carriers, and a waiver is therefore justified under Section 1.3 of the Rules<sup>15</sup>

Nor is it a sufficient answer to say that because the PSAP providers in the remote areas served by Petitioner-Small-Carriers are likely to be among the last such providers to obtain and request E911 capability, that therefore the requested waiver is unnecessary or premature. MCC already has received a Phase II request, and as the decision in *Small Carrier E911 Extension*

---

<sup>14</sup> Most of these counties have a larger land area than the entire state of Rhode Island, and some are larger than Connecticut.

<sup>15</sup> Each of the Petitioner-Small-Carriers stands ready to seek negotiated solutions with PSAP providers, and is willing to share costs with them if need be. But unless the Commission affords some sort of relief from the requirement that each Petitioner-Small-Carrier pay ALL costs between the MSC and the 911 Selective Router, there is no incentive for any PSAP provider to even engage in negotiations.

indicates, this Commission already has decided that it cannot wait until such a conflict arises to sort out these issues

Therefore, it is appropriate for the Commission to consider and rule upon this requested waiver at this time

### **CONCLUSION**

Each of the Petitioner-Small-Carriers is a Tier III carrier, as defined by the Commission in *Small Carrier E911 Extension, supra*. Even if all of the Petitioner-Small-Carriers were deemed a single carrier, the combined entity still would be a Tier III carrier. This is because the Petitioner-Small-Carriers serve only remote, rural areas, where the circumstances differ greatly from those that exist in major urban areas and with respect to major, nationwide-footprint carriers. Even before they went to the carriers' carrier business model, their cumulative number of subscribers would have put them at the bottom of Tier III.

Unlike the situation which exists in this nation's major metropolitan areas, the remote, rural areas served by the Petitioner-Small-Carriers are not susceptible to triangulation techniques and will not be susceptible to such techniques in the foreseeable future. The Petitioner-Small Carriers have huge distances between the carrier MSC and the 911 Selective Router of the PSAP provider. In the absence of any mandatory cost recovery mechanism, Petitioner-small Carriers have no mechanism for recovering 911 delivery costs, and the cost of delivering E911 information from the carrier MSC to the 911 Selective Router would be greater than any other cost element in operating the entire wireless system! In addition, in most if not all cases, unlike the case with major wireless carrier markets, the majority of persons physically inside the geographic area of a Petitioner-Small-Carrier at any given moment are not local residents, but roamers passing through.

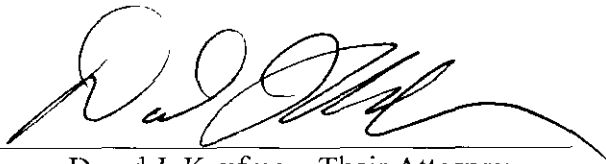


Because of those unique circumstances, enforcing Section 20.18(d) to require the wireless carrier to triple or quadruple the number of cell sites and to pay the entire cost of carrying the information from the MSC to the 911 Selective Router would totally undermine the policy underlying the rule, and would result in a diminution of 911 service and increase in danger to the traveling public. Thus, the Commission should partially waive Section 20.18(d) as applied to the Petitioner-Small-Carriers, to provide them with either a permanent, or at least a five-year waiver of the obligation to reach Phase II accuracy levels, to the extent that the rule sets the 911 Selective Router, as opposed to the wireless carrier MSC, as the demarcation point for allocating costs between the carrier and the PSAP provider.

Respectfully submitted,  
**COMMNET WIRELESS, INC., COMMNET OF ARIZONA, LLC,  
COMMNET OF DELAWARE, LLC, ELBERT COUNTY WIRELESS,  
LLC, CHAMA WIRELESS LLC, EXCOMM, LLC, COMMNET PCS, INC.,  
MOCELCO, LLC, TENNESSEE CELLULAR TELEPHONE COMPANY,  
COMMNET CAPITAL, LLC, COMMNET OF FLORIDA, LLC and  
PRAIRIE WIRELESS, LLC**

August 15, 2003

By



David J. Kaufman, Their Attorney

Brown Nietert & Kaufman, Chartered  
2000 I. Street NW, Suite 817  
Washington, DC 20036  
(202)-887-0600

multiclient/F911/August 2003 Waiver Request doc